

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Southern Division**

JEROME D. SWANN, et al.)
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Plaintiffs,)
)
)
v.) Civil No. 16-cv-169-TDC
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)
EAGLE EXPRESS LINES, INC., et al.)
)
)
Defendants.)
)
_____)

NOTICE TO JOIN IN REMOVAL

Under 28 U.S.C. §§ 1332(a), 1441(b), 1446, District of Maryland Local Rule 103.5(a) and the Court's Standing Order Concerning Removal (ECF No. 7), Defendants Eagle Express Lines, Inc. and the Estate of Bernard William Peitz, Jr., hereby formally join in co-Defendant Randy Howard Taylor's removal of this action (originally filed in the Circuit Court for Prince George's County, Maryland and docketed as Case No. CAL15-33758) to the United States District Court for the District of Maryland, Southern Division. In addition to the reasons set forth in co-Defendant's Randy Howard Taylor's Petition for Removal, these defendants set forth the following grounds for removal:

1. These Defendants incorporate the grounds for removal articulated by co-Defendant Randy Howard Taylor in his Petition for Removal (ECF No. 1).
2. Plaintiffs allege damages in excess of \$75,000.00, arising out of a motor vehicle accident that occurred on December 3, 2012, in Prince George's County, Maryland.
3. The United States District Court for the District of Maryland, Southern Division, is the federal judicial district embracing the Circuit Court for Prince George's County, Maryland, where the

state court action was originally filed. Therefore, removal to this Court is proper under 28 U.S.C. § 1446.

4. All of the Plaintiffs are citizens of the State of Maryland. None of the Defendants are citizens of the State of Maryland. Therefore, this Court has diversity jurisdiction over this matter under 28 U.S.C. § 1332.

5. Plaintiffs' Complaint sets forth a Maryland address for co-Defendant Randy Howard Taylor. On January 19, 2016, however, counsel for Eagle Express Lines, Inc. and the Estate of Bernard William Peitz, Jr. received a copy of an Affidavit signed by Randy Howard Taylor, which indicates that Mr. Taylor is, in fact, a citizen of the State of Virginia.

6. Eagle Express Lines, Inc. was served with a copy of the summons and complaint on December 21, 2015. Thus, this Notice as to Eagle Express Lines, Inc. is timely under 28 U.S.C. § 1446(b)(1) & b(3).

7. The Estate of Bernard William Peitz, Jr. was served with a copy of the summons and complaint on December 19, 2015. Accordingly, this with respect to the Estate of Bernard William Peitz, Jr., is timely under 28 U.S.C. § 1446(b)(3).

8. Attached hereto is a copy of these Defendants' Notice of Filing Notice of Removal, which these Defendants will promptly file with the Circuit Court for Prince George's County. (Exhibit "A".)

9. All of the remaining documents contained in the Circuit Court for Prince George's County, Maryland, in Case No. CAL15-33758 have been previously filed herein.

WHEREFORE, Defendants Eagle Express Lines, Inc. and the Estate of Bernard William Peitz, Jr., respectfully request that this Notice to Join in Removal be accepted and that the state court action be

removed from the Circuit Court for Prince George's County, Maryland, to the United States District Court for the District of Maryland, Southern Division.

DATED: January 20, 2016

Respectfully submitted,

/s/ Peter A. Coleman

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Estate of Bernard William Peitz, Jr.*

CERTIFICATE OF SERVICE

I hereby certify that on January 20, 2016, a copy of the foregoing Notice to Join in Removal of Eagle Express Lines, Inc. and the Estate of Bernard William Peitz, Jr., which was electronically filed in this case on January 20, 2016, was mailed via first-class mail, postage prepaid, to:

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/s/ Peter A. Coleman
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